

PROVISO
SUBCOMMITTEE
RECOMMENDATIONS



DELETIONS FOR FY 2009-10
DUE TO CODIFICATION IN
ACT 353 OF 2008
OR OTHER ACTS

**PROVISO SUBCOMMITTEE
RECOMMENDATIONS FOR FY 2009-10
OF PROVISO DELETIONS DUE TO CODIFICATION
IN ACT 353 OF 2008 OR OTHER ACTS
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 1A - DEPARTMENT OF EDUCATION (H63)

- 1A.30 DELETE** (Professional Development on Standards) Provides for the manner in which EIA funds are to be used on professional development for K-12 certificated instructional and instructional leadership personnel. Limits the amount of professional development funds the department may retain for administration of the program to 5%. Allows school districts to choose to use their allocation of professional development funds to purchase professional development services from the department. Directs that \$250,000 of professional development funds must be provided to the department to successfully implement the S.C. Readiness Assessment by creating a validation process for teachers. Directs that multi-day work sessions be provided during the summer, fall and winter using staff development days and teacher workdays and that two of the remaining professional development days be set aside specifically for the preparation and opening of schools. Directs that teachers who participate in the program receive credit toward recertification according to SBE guidelines. Authorizes professional development on standards funds to be carried forward and spent for the same purpose. Directs that no less than 25% of professional development funds may be spent on teaching reading, including teaching reading across content areas in grades 3 through 8.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 59-18-1130 effective 7-1-09.*

~~1A.30. (SDE-EIA: XI.C.3-Professional Development on Standards) These funds shall be used for professional development for certificated instructional and instructional leadership personnel in grades kindergarten through 12 in the academic areas for which SBE standards documents have been approved to better link instruction and lesson plans to the standards and to any state adopted readiness assessment tests, develop classroom assessments consistent with the standards and PACT style testing, and analyze PACT results for needed modifications in instructional strategies. No more than five percent of the funds appropriated for professional development may be retained by the Department of Education for administration of the program; however, with the funds allocated to districts for professional development, districts may choose to purchase professional development services provided by the Department of Education. Funds may also be expended for certificated instructional and instructional leadership personnel in grades six through twelve to achieve competency in teaching reading to students who score below proficient on the reading assessment of PACT. Provided further, that \$250,000 of the funds allocated to professional development must be provided to the Department of Education to implement successfully the South Carolina Readiness Assessment by creating a validation process for teachers to ensure reliable administration of the assessment, providing professional development on effective utilization and establishing the relationship between the readiness measure and third grade standards based assessments. Multi-day work sessions shall be provided around the state during the summer and during the fall and winter using staff development days, teacher workdays, two of the remaining professional development days shall be set aside specifically for the preparation and opening of schools. District instructional leaders, regional service centers, consortia, department personnel, university faculty, contracted providers, and the resources of ETV may be used as appropriate to implement this intensive professional development initiative. Teachers participating in this professional development shall receive credit toward recertification according to State Board of Education guidelines. Funds provided for professional development on standards may be carried forward into the current fiscal year to be expended for the same purpose. No~~

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~~less than twenty-five percent of the funds allocated for professional development should be expended on the teaching of reading which includes teaching reading across content areas in grades three through eight.~~

- 1A.35 DELETE** (Accreditation System) Directs the State Board of Education and the department, in developing accreditation system criteria, to consider including the function of school improvement councils and other school decision-making groups and their participation in the school planning process.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 59-18-710 effective 7-1-09.*

~~1A.35. (SDE-EIA: XI-Accreditation System) The State Board of Education and Department of Education, in developing the criteria for the new accreditation system mandated by Section 59-18-710, shall consider including as an area the functioning of school improvement councils and other school decision-making groups and their participation in the school planning process in accordance with state requirements.~~

- 1A.48 DELETE** (EAA Report Card Criteria) Authorizes the EOC to base ratings for school districts and high schools on criteria that includes graduation rates, exit exam performance, and other criteria identified by technical experts and appropriate groups of educators and workforce advocates. Directs that ratings for other schools without standard-based assessments may be based on criteria identified by technical experts and appropriate groups of educators. Requires all ratings criteria to be approved by the EOC.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 59-18-50 effective 7-1-09.*

~~1A.48. (SDE-EIA: EAA Report Card Criteria) The Education Oversight Committee may base ratings for school districts and high schools on criteria that include graduation from high school with a state high school diploma and ratings may be based on criteria aligned with workforce needs including, but not limited to, exit examination performance and other criteria identified by technical experts and appropriate groups of educators and workforce advocates. For other schools without standard-based assessments the ratings may be based upon criteria identified by technical experts and appropriate groups of educators. All ratings criteria must be approved by the Education Oversight Committee.~~

SECTION 6 - H03 - COMMISSION ON HIGHER EDUCATION

- 6.10 DELETE** (Mid-Year Reduction Exemption) Exempts LIFE Scholarships, Need-based Grants, and Palmetto Fellows Scholarships appropriations from any mid-year budget reduction imposed by the General Assembly or the B&C Board.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 59-111-25 effective 7-1-09.*

~~6.10. (CHE: Mid-Year Reduction Exemption) Whenever the General Assembly or the Budget and Control Board implement a mid-year budget reduction, Commission on Higher Education appropriations for the Legislative Incentives for Future Excellence (LIFE) scholarships, the Need-based Grants, and Palmetto Fellows Scholarships are exempt from any mid-year budget reductions.~~

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SECTION 7-H06 - HIGHER EDUCATION TUITION GRANTS COMMISSION

- 7.1 DELETE** (Tuition Grants Mid-Year Reduction Exemption) Exempts grant funds appropriated for Tuition Grants from mid-year budget reductions.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 59-113-47 effective 7-1-09.*

~~7.1. (HETG: Tuition Grants Mid-Year Reduction Exemption) Funds provided in Part IA, Section 7, H. Tuition Grants shall be exempt from any mandated mid-year budget reductions.~~

SECTION 15 - H45 - UNIVERSITY OF SOUTH CAROLINA

- 15.5 DELETE** (USC Beaufort Campus - Reciprocal Tuition) Authorizes USC-Beaufort to offer in-state tuition to students who legally reside in the Chatham-Effingham and Bryan county areas of Georgia as long as Georgia continues its Georgia Tuition Program which offers in-state tuition to Beaufort/Jasper county area students.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 59-112-20 effective 7-1-09.*

~~15.5. (USC: Beaufort Campus - Reciprocal Tuition) The University of South Carolina Beaufort Campus may offer in-state tuition to any student whose legal residence is in the Chatham-Effingham and Bryan County area of the neighboring state of Georgia as long as the Georgia Board of Regents continues its Georgia Tuition Program by which in-state tuition is offered to students residing in the Beaufort/Jasper County area of the State of South Carolina.~~

SECTION 17 - H54 - MEDICAL UNIVERSITY OF SOUTH CAROLINA

- 17.1 DELETE** (Family Practice Residency System) Directs that funds appropriated for the Statewide Family Practice Residency System for faculty salaries, teaching services and consultant fees may only be spent when these activities are for educational purposes in the family practice centers. Authorizes these funds to be spent in hospital-based clinical settings apart from the consortium hospital when the MUSC president, with MUSC board approval, determines these settings provide appropriate educational experience and opportunities to the family practice residents. Prohibits these funds from being transferred to any other program.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 59-123-115 effective 7-1-09.*

~~17.1. (MUSC: Family Practice Residency System) Statewide family practice residency system funds appropriated for faculty salaries, teaching services, and consultant fees may only be expended when the above activities are accomplished for educational purposes in the family practice centers. Authorization is hereby granted to the Medical University of South Carolina to expend such funds in hospital-based clinical settings apart from the consortium hospital, when such settings are determined by the President of the Medical University of South Carolina with approval of the Board of the Medical University to provide appropriate educational experience and opportunities to the family practice residents and these funds shall not be transferred to any other program.~~

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SECTION 21 - J02 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

- 21.12 DELETE** (Generic Drugs) Specifies that Medicaid recipients whose prescription is reimbursed through the SC Medicaid Program is deemed to have consented to the substitution of a less costly equivalent generic drug product. Directs that patient consent is not required for use of generic drugs.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 40-43-86(H)(6) effective 7-1-09.*

~~21.12. (DHHS: Generic Drugs) With respect to prescriptions reimbursed through the South Carolina Medicaid Program, Medicaid recipients for whom the pharmaceuticals are intended are deemed to have consented to substitution of a less costly equivalent generic product which will result in a cost savings to the South Carolina Medicaid program. Individual patient consent for substitution shall not be required.~~

- 21.14 DELETE** (Medicaid Eligibility/Promissory Note) Directs that any promissory note received by a Medicaid applicant, recipient or spouse of a Medicaid applicant or recipient in exchange for assets which retention of would cause the applicant or recipient to be Medicaid ineligible, are deemed fully negotiable under S.C. laws for the purpose of Medicaid eligibility unless it states it is not transferable. Requires the note to be actuarially sound; requires that monthly installments fully amortize it over the life of the loan; and be free of any conditional or self-canceling clauses.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 44-6-725 effective 7-1-09.*

~~21.14. (DHHS: Medicaid Eligibility/Promissory Note) Except as provided below, any promissory note received by a Medicaid applicant or recipient or the spouse of a Medicaid applicant or recipient, after the enactment of this section, in exchange for assets which if retained by the applicant or recipient or his spouse would cause the applicant or recipient to be ineligible for Medicaid benefits, shall for Medicaid eligibility purposes be deemed to be fully negotiable under the laws of the State of South Carolina unless it contains language plainly stating that it is not transferable under any circumstances. A promissory note will be considered valid for Medicaid purposes only if it is actuarially sound, requires monthly installments that fully amortize it over the life of the loan, and is free of any conditional or self-canceling clauses.~~

SECTION 22 - J04 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

- 22.25 DELETE** (Certificate of Public Advantage) Allows DHEC to charge an annual monitoring fee to cover the actual cost of audits & monitoring when application is made for a certificate of public advantage when hospitals merge under the Health Care Cooperation Act.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 44-7-570(A) effective 7-1-09.*

~~22.25. (DHEC: Certificate of Public Advantage) Notwithstanding Regulation 61-31, Health Care Cooperative Agreements and other provisions of law, should the department of Health and Environmental Control issue a Certificate of Public Advantage, the applicant will pay to the department, an annual monitoring fee to cover the actual cost of audits and~~

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~~monitoring. This fee shall be used by the department in whatever manner solely for the purpose of monitoring Certificates of Public Advantage as set forth in Section 44-7-570(A).~~

- 22.27 DELETE** (Church/Charitable Organization Food Preparation) Prohibits DHEC from using appropriated or authorized funds to enforce Regulation 61-25 to prohibit churches and charitable organizations from preparing and serving food to the public on their own premises at not more than one function a month or not more than twelve functions a year.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 44-1-300 effective 7-1-09.*

~~22.27. (DHEC: Church/Charitable Organization Food Preparation) The Department of Health and Environmental Control shall not use any funds appropriated or authorized to the department to enforce Regulation 61-25 to the extent that the regulation would prohibit churches and charitable organizations from preparing and serving food to the public on their own premises at not more than one function a month or not more than twelve functions a year.~~

- 22.40 DELETE** (Hazardous Waste Contingency Fund) Directs that interest accruing from management of funds held pursuant to the Hazardous Waste Contingency Fund must be credited to the Hazardous Waste Contingency Fund and used by the department to defray costs of governmental response actions at uncontrolled hazardous waste sites and for response actions incidental to hazardous materials transportation.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 44-56-160(G) effective 7-1-09.*

~~22.40. (DHEC: Hazardous Waste Contingency Fund) Beginning on July 1, 2006, all interest accruing on funds collected and held pursuant to Section 44-56-160 must be credited to the Hazardous Waste Contingency Fund and authorized for expenditure by the department to defray costs of governmental response actions at uncontrolled hazardous waste sites and for the purpose of response actions incidental to the transportation of hazardous materials.~~

- 22.45 DELETE** (Use of Radiological Fees) Authorizes DHEC to retain all funds generated above the funds they remitted to the general fund in FY 00-01 from regulation R61-64 title B (X-Rays).
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 49 of 20078 by adding Section 44-1-215 effective 7-1-09.*

~~22.45. (DHEC: Use of Radiological Fees) For the current fiscal year, the Department of Health and Environmental Control is authorized to retain all funds generated above monies remitted to the general fund in FY 2000-2001 from fees listed in regulation R61-64 Title B (X-Rays).~~

SECTION 26 - L04 - DEPARTMENT OF SOCIAL SERVICES

- 26.4 DELETE** (Assistance Payments Client List) Requires the names of persons benefiting from assistance payments under DSS programs to be available to other state agencies if such availability is not in conflict with federal regulations.

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PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 43-1-710 effective 7-1-09.*

26.4. (DSS: Assistance Payments Client List) ~~The names of persons benefiting from assistance payments under the several programs of the Department of Social Services shall be available to other state agencies, if not in conflict with federal regulations.~~

- 26.5** **DELETE** (Employee Supplement) Prohibits a county from supplementing the salary of any DSS employee.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 43-1-715 effective 7-1-09.*

26.5. (DSS: Employee Supplement) ~~No county shall supplement the salary of any DSS employee.~~

- 26.8** **DELETE** (Accounts Receivable Procedures) Directs DSS to establish and collect accounts receivable in accordance with appropriate and applicable federal regulations.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 43-1-720 effective 7-1-09.*

26.8. (DSS: Accounts Receivable Procedures) ~~The Department of Social Services will establish, and collect accounts receivable in accordance with appropriate and applicable federal regulations.~~

SECTION 34 - P16 - DEPARTMENT OF AGRICULTURE

- 34.6** **DELETE** (Private Sector Calibrations) Directs the department to charge a fee of \$45 per hour based on a fee schedule for all calibrations performed for private sector entities by the Metrology Laboratory. Directs that revenues generated by these fees be used to offset expenses incurred in operating the Metrology Laboratory.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 39-9-68 effective 7-1-09.*

34.6. (AGRI: Private Sector Calibrations) ~~The Department of Agriculture shall charge a fee of \$45.00 an hour based on a fee schedule for all calibrations performed for private sector entities by the Metrology Laboratory authorized by Section 39-9-68(3) of the 1976 Code of Laws. Revenues generated by these fees shall be for use by the Department of Agriculture to offset expenses incurred in operating the Metrology Laboratory.~~

SECTION 37 - P24 - DEPARTMENT OF NATURAL RESOURCES

- 37.13** **DELETE** (Grass Carp Testing Recoupment Fee) Authorizes DNR to charge and retain a fee of \$1 per fish for fish 5" or longer and a fee of 25¢ for fish less than 5" to recoup the cost of certification testing of Triploid Grass Carp to assure that the fish are sterile before they are imported into the state.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 301 of 2008 by amending Section 50-13-1630(C).*

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37.13. (DNR: Grass Carp Testing Recoupment Fee) ~~The Department of Natural Resources shall charge and retain a fee of one dollar per fish for fish five (5) inches or longer and a fee of twenty-five cents (\$0.25) for fish less than five (5) inches to recoup the cost of certification testing of Triploid Grass Carp to assure that such fish are sterile before they can be imported into the State.~~

SECTION 40 - P32 - DEPARTMENT OF COMMERCE

40.21 **DELETE** (Coordinating Council - Rural Infrastructure Funds) Authorizes the Department of Commerce to carry forward committed and uncommitted funds from the State Rural Infrastructure Fund and expend the funds for purposes specified in its legislation.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 12-10-85 effective 7-1-09.*

40.21. (CMRC: Coordinating Council - Rural Infrastructure Funds) ~~The Department of Commerce Coordinating Council is hereby authorized to carry forward committed and uncommitted funds from the State Rural Infrastructure Fund, for the authorized purposes as specified in its legislation.~~

SECTION 45 - E20 - ATTORNEY GENERAL'S OFFICE

45.1 **DELETE** (Hiring of Attorneys) Requires written Attorney General approval for state agencies to hire any classified or temporary attorney as an employee. Places all such attorneys under the supervision and control of the Attorney General except as otherwise provided by law unless prior B&C Board approval is obtained.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 1-7-160 effective 7-1-09.*

45.1. (AG: Hiring of Attorneys) ~~No department or agency of the State Government shall hire any classified or temporary attorney as an employee except upon the written approval of the Attorney General and at a compensation approved by him. All such attorneys shall at all times be under the supervision and control of the Attorney General except as otherwise provided by law unless obtaining prior approval by the Budget and Control Board.~~

45.2 **DELETE** (Engage Attorney on Fee Basis) Requires written Attorney General approval for state agencies to hire an attorney on a fee basis and requires the fee to also be approved by the Attorney General. Exempts attorneys hired in special cases in inferior courts when the fee does not exceed \$250 or exceptions approved by the B&C Board.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 1-7-170 effective 7-1-09.*

45.2. (AG: Engage Attorney on Fee Basis) ~~No department or agency of the State Government shall engage on a fee basis any attorney at law except upon the written approval of the Attorney General and upon such fee as shall be approved by him. This shall not apply to the employment of attorneys in special cases in inferior courts where the fee to be paid does not exceed two hundred fifty (\$250.00) dollars or exceptions approved by the Budget and Control Board.~~

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- 45.3 DELETE** (Litigation Expense) Authorizes the Attorney General's Office to obtain reimbursement for costs incurred in representing the State in criminal proceedings and in representing its officers and agencies in civil and administrative proceedings. Directs that costs may include, but not be limited to, attorney fees or investigative costs or costs of litigation awarded by court order or settlement, travel expenditures, depositions, printing, transcripts, and personnel costs. Authorizes cost reimbursement to be obtained by the Attorney General's Office from the budget of a represented agency or officer or from funds generally appropriated for legal expenses with Budget and Control Board approval.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 1-7-85 effective 7-1-09.*

~~45.3. (AG: Litigation Expense) The Office of the Attorney General may obtain reimbursement for its costs in representing the State in criminal proceedings and in representing the State and its officers and agencies in civil and administrative proceedings. These costs may include, but are not limited to, attorney fees or investigative costs or costs of litigation awarded by court order or settlement, travel expenditures, depositions, printing, transcripts, and personnel costs. Reimbursement of these costs may be obtained by the Office of the Attorney General from the budget of an agency or officer that it is representing or from funds generally appropriated for legal expenses with the approval of the Budget and Control Board.~~

- 45.5 DELETE** (Sexually Violent Predator Act Filing Fees) Exempts the State, or a person or entity acting on behalf of the State from paying filing fees in Sexually Violent Predator Act proceedings.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 14-1-217 effective 7-1-09.*

~~45.5. (AG: Sexually Violent Predator Act Filing Fees) The State of South Carolina, or a person or entity acting on behalf of the State of South Carolina, is not required to pay filing fees in proceedings brought under Chapter 48 of Title 44, the Sexually Violent Predator Act.~~

SECTION 46 - E21 - PROSECUTION COORDINATION COMMISSION

- 46.6 DELETE** (Worthless Check Unit) Authorizes Circuit Solicitors, with the agreement of the county governing body, to establish a Worthless Check Unit to process worthless checks and to assist victims to collect restitution. Establishes the following fee schedule: \$50 for checks up to \$500; \$100 for Checks from \$501 to \$1,000; and \$150 for checks \$1,001 or greater. Requires that an amount equal to the allowable administrative cost in Section 34-11-70(c) [PRIMA FACIE EVIDENCE OF FRAUDULENT INTENT IN DRAWING CHECK, DRAFT OR OTHER WRITTEN ORDER, REASONABLE AND PROBABLE CAUSE FOR PROSECUTION.] be added to the fee. Requires all fees collected, except for court costs and the allowable administrative costs, be deposited into the Worthless Check Fund maintained by county treasurers which must be remitted to the treasurer for deposit in the county general fund. Requires the funds to be first applied to defray the costs of operating the Worthless Check Unit with the balance used to pay the normal operating expenses of the solicitor's office. Directs that withdrawals from the account be made only at the request of the solicitor. Prohibits these funds from being used to reduce the amount budgeted by the county to the solicitor's office. Requires the Solicitor to maintain an account to collect and disburse these funds. Requires the Worthless

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Check Unit to disburse to the victim all restitution collected as a result of the original complaint and directs that the restitution must be transferred to the county's general fund if the victim cannot be located after a reasonable time and diligent efforts have been made.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Sections 17-22-10 - 17-22-170 as Pretrial Intervention Program, Article 1, adding Article 3, Worthless Check Units, Section 17-22-310 effective 7-1-09.*

~~46.6. (PCC: Worthless Check Unit) A Circuit Solicitor may establish, under his direction and control and with the agreement of the county governing body, a Worthless Check Unit for the purpose of processing worthless checks and to assist the victims of these cases in the collection of restitution. The fee schedule shall be fifty dollars for checks up to \$500, one hundred dollars for checks \$501-\$1,000, and one hundred fifty dollars for checks \$1,001 or greater. An amount equal to the allowable administrative costs contained in Section 34-11-70(e) must be added to the fee. All fees, other than court costs and an amount equal to the allowable administrative costs contained in Section 34-11-70(e) which must be remitted to the treasurer for deposit in the county general fund, collected by the Worthless Check Unit in accordance with the fee schedule promulgated under this proviso must be deposited into a fund known as the Worthless Check Fund maintained by the county treasurers of the counties comprising the circuit. All funds collected and deposited in this fund shall be applied first to defray the costs of operation of the Worthless Check Unit with the balance thereof to be used by the Solicitor to pay normal operating expenses of his office. Withdrawals from this account shall be made only at the request of the Solicitor. The funds generated pursuant to this proviso must not be used to reduce the amount budgeted by the county to the Solicitor's office. The Solicitor shall further maintain an account for the purpose of collection and disbursement of restitution of all funds collected for the benefit of the victims of the worthless check. The Worthless Check Unit shall disburse to the victim all restitution collected in connection with the original complaint filed. If the victim cannot be located after a reasonable time and upon diligent efforts to locate him, the restitution due the victim must be transferred to the general fund of the county.~~

SECTION 47 - E23 - COMMISSION ON INDIGENT DEFENSE

- 47.8** **DELETE** (Carry Forward of Obligations) Authorizes the Commission on Indigent Defense to carry forward unpaid obligations incurred and received for payment in one fiscal year and to pay, to the extent possible, the obligations from funds appropriated in the next year's budget.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 17-3-55 effective 7-1-09.*

~~47.8. (INDEF: Carry Forward of Obligations) The Commission on Indigent Defense is authorized to carry forward unpaid obligations incurred and received for payment in one fiscal year and to pay, to the extent possible, these obligations from funds appropriated in the next year's budget.~~

- 47.10** **DELETE** (Assessments Increase); Increases assessments paid pursuant to Sections 14-1-206[ADDITIONAL ASSESSMENT, GENERAL SESSIONS OR FAMILY COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS]; 14-1-207 [ADDITIONAL ASSESSMENT, MAGISTRATE'S COURT; REMITTANCE;

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DISPOSITION; ANNUAL AUDITS]; and 14-1-208 [ADDITIONAL ASSESSMENT, MUNICIPAL COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS] to increase the assessment paid for an offense tried in general sessions, magistrate's, or municipal court from 100% to 107.5% of the fine imposed and direct that the increase be deposited into the General Fund. Directs that from the deposits made to the General Fund pursuant to Sections 14-1-206, 14-1-207, and 14-1-208, \$3,200,000 shall be allocated as follows: \$500,000 to DJJ for the Juvenile Arbitration Program; \$450,000 to DJJ for the Marine Institutes; \$500,000 to DJJ for the regional status offender programs; and \$1,750,000 to the Office of Indigent Defense to offset budget cuts. Directs that it is the intent that the funds generated from this source and credited to other state agencies provided in these code sections not be less than the amounts credited in the prior fiscal year.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 14-1-206(A)(B)(C); 14-1-207; and 14-1-208 and by adding Section 14-1-218 effective 7-1-09.*

~~47.10. (INDEF: Assessments Increase) The assessment paid pursuant to Section 14-1-206, 14-1-207, or 14-1-208 by a person who is convicted of, pleads guilty or nolo contendere to, or forfeits bond for an offense tried in general sessions, magistrate's, or municipal court is increased from one hundred to one hundred seven and one half percent of the fine imposed. The revenues generated by this increase of seven and one half percent must be deposited in the General Fund of the State. From the total revenues generated by Sections 14-1-206, 14-1-207, and 14-1-208, and in addition to other uses prescribed by law, \$3,200,000 shall be allocated to the following agencies for support of the programs specified: \$500,000 to the Department of Juvenile Justice for the Juvenile Arbitration Program; \$450,000 to the Department of Juvenile Justice for the Marine Institutes; \$500,000 to the Department of Juvenile Justice for regional status offender programs; and \$1,750,000 to the Office of Indigent Defense for use in offsetting budget cuts. It is the intent of the Legislature that the amount of the funds generated from this source and credited to the other State Agencies as provided by Section 14-1-206, 14-1-207, or 14-1-208 shall not be less than the amounts credited to those agencies in the previous fiscal year.~~

- 47.11 DELETE** (Defense of Indigents Application Fee) Requires all persons seeking appointment of counsel to first be determined to be indigent by executing an affidavit that they are financially unable to employ counsel and which sets forth the person's assets. Allows the court to order a person to pay the prescribed application fee or portion of it if they are able. Directs that a \$40 application fee must be collected from every person who executes such affidavit and provides a method for a waiver or fee reduction to be granted. Directs the clerk of court or appropriate official collect the fee and remit the proceeds to the Public Defender Application Fund monthly. Directs that the fee be deposited in an interest-bearing account separate from the general fund and be used only to provide for indigent defense services and be administered by the Office of Indigent Defense. Requires the clerk of court to maintain a record of all persons that apply for representation and the disposition of the application and to provide this information and the amount of funds collected or waived to the Office of Indigent Defense monthly. Directs that a juvenile's parents or legal guardian shall be responsible for executing the financial status affidavit and paying the fee. Directs that this section does not hinder a court from appointing counsel in emergency proceedings. Directs that appointment of counsel creates a claim against the assets and estate of the person provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation; that the claim be filed with the clerk of court in

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the county where the person is assigned counsel; that the filing shall not constitute a lien against real or personal property of the person unless the court reduces part or all of such claim to judgment after serving the person with at least 30 days' notice that judgment will be entered. Allows the court to order any claim or judgment waived, modified or withdrawn.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 17-3-45 effective 7-1-09.*

~~47.11. (INDEF: Defense of Indigents Application Fee) (A) A person to whom counsel has been provided in any court in this state shall execute an affidavit that the person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Office of Indigent Defense of the State of South Carolina.~~

~~(B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial judge and the trial judge shall order the remainder of the fee paid during probation if the person is granted probation or by a time payment method if probation is not granted or appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this section and remit the proceeds to the Public Defender Application Fund on a monthly basis. The monies must be deposited in an interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be administered by the Office of Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all persons applying for representation and the disposition of the application and shall provide this information to the Office of Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.~~

~~(C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above affidavit based upon their financial status and shall be responsible for paying any fee. In juvenile matters, the parents or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said juvenile.~~

~~(D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where existing statutes do not provide sufficient time for an individual to complete the application process.~~

~~(E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel or defender corporation of the county or counties wherein he is being represented or to the Office of Indigent Defense as provided for above.~~

~~(F) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of such claim is reduced to judgment by appropriate order of the court, after serving the person with at~~

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~~least thirty days' notice that judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by this chapter.~~

~~(G) The court may, in its discretion, order any claim or judgment waived, modified or withdrawn.~~

SECTION 48 - D10 - STATE LAW ENFORCEMENT DIVISION

- 48.3 DELETE** (Criminal Record Search Fee) Authorizes SLED to charge and collect a \$25 criminal record search fee. Requires SLED to deposit \$4,461,000 of this revenue into the General Fund and authorizes SLED to collect, retain, expend and carry forward any revenue collected above that amount for agency operations. Prohibits the sale or dissemination of the criminal history record database, but permits the individual sale of individual criminal history records. Authorizes criminal history record information, including arrest history, to be disseminated whether or not a corresponding judicial finding or disposition is part of the record. Establishes a fee of \$8 for a criminal record search conducted for a charitable organization, a bona fide mentor, or charitable organization use. Directs SLED to develop forms for a mentor or charitable organization to certify that the criminal record search is conducted for the use and benefit of the organization or mentor. Defines "charitable organization" for purposes of this section.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 23-3-115 effective 7-1-09.*

~~**48.3. (SLED: Criminal Record Search Fee) (1)** The State Law Enforcement Division shall charge and collect a fee of \$25 for each criminal record search conducted pursuant to Regulations contained in Chapter 73, Article 3, Subarticle 1 of the Code of State Regulations. All revenue generated up to an amount of four million four hundred sixty-one thousand dollars collected from the criminal record search fee must be deposited to the General Fund of the State; any revenue generated above this amount shall be collected, retained, expended, and carried forward by the State Law Enforcement Division for agency operations. The sale or dissemination of the criminal history record database maintained by the State Law Enforcement Division is prohibited. The individual sale of individual criminal history records by SLED is not affected. Criminal history record information, including arrest history, may be disseminated in accordance with regulations regardless of whether a corresponding judicial finding or disposition is part of the record.~~

~~(2) The fee allowed under paragraph (1) is fixed at eight dollars if the criminal record search is conducted for a charitable organization, a bona fide mentor, or for the use of a charitable organization.~~

~~The division shall develop forms on which a mentor or charitable organization shall certify that the criminal record search is conducted for the use and benefit of the charitable organization or mentor. For purposes of this subparagraph, the phrase "charitable organization" means:~~

~~(a) an organization which has been determined to be exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended;~~

~~(b) a bona fide church, including an institution such as a synagogue or mosque;~~

~~(c) or volunteers of a local recreation commission; or~~

~~(d) an organization which has filed a statement of registration or exemption under the Solicitation of Charitable Funds Act, Chapter 56, Title 33 of the 1976 Code.~~

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- 48.4 DELETE** (Revenue Carry Forward) Authorizes all revenue generated by SLED from the sale of vehicles, various equipment, gasoline, and insurance claims during the prior fiscal year to be retained, carried forward, and expended to purchase like items.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 23-3-55 effective 7-1-09.*

~~48.4. (SLED: Revenue Carry Forward) All revenue generated by SLED from the sale of vehicles, various equipment, gasoline, and insurance claims during the prior fiscal year may be retained carried forward and expended for the purpose of purchasing like items.~~

- 48.9 DELETE** (Concealed Weapon Permit) Authorizes SLED to collect, retain, expend, and carry forward Concealed Weapon Permit program fees.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 23-31-216 effective 7-1-09.*

~~48.9. (SLED: Concealed Weapon Permit) The State Law Enforcement Division shall collect, retain, expend, and carry forward all fees associated with the Concealed Weapon Permit program.~~

SECTION 49 - K05 - DEPARTMENT OF PUBLIC SAFETY

- 49.2 DELETE** (Miscellaneous Revenue) Authorizes revenue received from the sale of publications, postal reimbursement, photo copying, electronic data from traffic collisions, sale of miscellaneous refuse and recyclable materials, insurance claim receipts, coin operated telephones, revenue from building management services, and DPS training series to be retained by the department and expended in budgeted operations for professional training, fees and dues, clothing allowance, and other related services or programs as the Director of the department may deem necessary. Directs DPS to annually report to the General Assembly the amount of miscellaneous revenue retained and carried forward.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 23-6-50 effective 7-1-09.*

~~49.2. (DPS: Miscellaneous Revenue) Revenue received from the sale of publications, postal reimbursement, photo copying, electronic data from traffic collisions, sale of miscellaneous refuse and recyclable materials, insurance claim receipts, coin operated telephones, and revenue from building management services, and Department of Public Safety training series shall be retained by the department and expended in budgeted operations for professional training, fees and dues, clothing allowance, and other related services or programs as the Director of the Department of Public Safety may deem necessary.~~

~~The Department of Public Safety shall report annually to the General Assembly the amount of miscellaneous revenue retained and carried forward.~~

- 49.3 DELETE** (Federal, Other Flow Through Funds) Authorizes the department to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior fiscal year in order to complete projects begun in a prior fiscal year.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 23-6-50 effective 7-1-09.*

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49.3. (DPS: Federal, Other Flow Through Funds) ~~In order to complete projects begun in a prior fiscal year, the Department of Public Safety is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior fiscal year.~~

- 49.4** **DELETE** (Motor Carrier Registration Fees) Directs that enforcement of Title 58, Chapter 23 [MOTOR VEHICLE CARRIERS], Articles 3 [ISSUANCE AND REVOCATION OF CERTIFICATES] and 5 [ANNUAL APPLICATION & LICENSE FEE] by the State Transport Police Division are to be funded from motor carrier registration fees collected by DMV that were previously collected by the Public Service Commission and DPS. Authorizes the State Transport Police to spend the motor carrier registration fees to build or renovate weigh stations and authorizes unexpended prior year funds to be retained and carried forward for the same purposes.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 23-6-185 effective 7-1-09.*

~~49.4. (DPS: Motor Carrier Registration Fees) Enforcement by the State Transport Police Division of the department, of Articles 3 and 5, of Chapter 23 of Title 58 of the 1976 Code, shall be funded from the motor carrier registration fees collected by the Department of Motor Vehicles that previously were collected by the Public Service Commission and the Department of Public Safety. Additionally, the State Transport Police is authorized to expend the motor carrier registration fees to build or renovate weigh stations. All unexpended funds from prior years collected under this proviso may be retained and carried forward by the department for the same purposes.~~

- 49.5** **DELETE** (Witness Fee) Authorizes DPS to charge a \$130 per hour witness fee, up to \$1,000 a day, for each trooper trained in Advanced Accident Investigation who testifies in civil matters that do not involve the State as an interested party. Requires the fee to be charged in addition to any court ordered payment due as compensation or reimbursement for judicial appearances and directs that these funds be deposited into a designated revenue account. Authorizes DPS to receive, expend, retain, and carry forward these funds.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 23-6-187 effective 7-1-09.*

~~49.5. (DPS: Witness Fee) The Department of Public Safety is hereby authorized to charge a witness fee of \$130.00 per hour, up to \$1,000 per day for each trooper trained in Advanced Accident Investigation testifying in civil matters which do not involve the State as a party in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account. The department is authorized to receive, expend, retain, and carry forward these funds.~~

- 49.6** **DELETE** (Commissioned Officers' Physicals) Authorizes DPS to pay for the cost of physical exams which department personnel are required to receive prior to or after receiving a law enforcement commission.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 23-6-191 effective 7-1-09.*

~~49.6. (DPS: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for department personnel who are required to receive such physical examinations prior to or after receiving a law enforcement commission.~~

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- 49.7** **DELETE** (Retention of Emergency Expenditure Refunds) Authorizes DPS to collect, expend, retain, and carry forward funds received as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to an emergency.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 23-6-193 effective 7-1-09.*

~~49.7. (DPS: Retention of Emergency Expenditure Refunds) The Department of Public Safety is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are mobilized and expenses incurred due to an emergency.~~

- 49.9** **DELETE** (Meals in Emergency Operations) Allows DPS to provide meals to employees who are not permitted to leave their assigned duty stations and who are required to work during deployments, emergency simulation exercises and when the Governor declares a state of emergency.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 23-6-195 effective 7-1-09.*

~~49.9. (DPS: Meals in Emergency Operations) The Department of Public Safety may provide meals to employees of the department who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises and when the Governor declares a state of emergency.~~

- 49.13** **DELETE** (Building Fund Flexibility) Directs that all monies collected in the DPS Building Fund, Subfund 3324 that exceed the annual bond payment and the amount needed for building repair must be used by DPS to support the Highway Patrol.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 23-6-190 and amending Section 56-3-840 effective 7-1-09.*

~~49.13. (DPS: Building Fund Flexibility) For the current fiscal year, all monies collected in the Department of Public Safety Building Fund, Subfund 3324, that exceed the annual bond payment and the amount needed for building repair must be utilized by the department to support the Highway Patrol.~~

- 49.16** **DELETE** (SC Law Enforcement Officers Hall of Fame) Authorizes DPS to retain the revenue received in court fines from Sections 14-1-206(3) [ADDITIONAL ASSESSMENT, GENERAL SESSIONS OR FAMILY COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS]; 14-1-207(3) [ADDITIONAL ASSESSMENT, MAGISTRATE'S COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS]; and 14-1-208(3) [ADDITIONAL ASSESSMENT, MUNICIPAL COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS] to defray the costs of maintaining and operating the Hall of Fame and to retain the surplus and carry forward and expend such funds for the same purpose.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Sections 14-1-206(A)(B)(C), 14-1-207, and 14-1-208 effective 7-1-09.*

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49.16. (DPS: SC Law Enforcement Officers Hall of Fame) ~~The Department of Public Safety is hereby authorized to retain all revenue received in court fines, pursuant to Sections 14-1-206(3), 14-1-207(3), and 14-1-208(3) of the 1976 Code, for the purpose of defraying the costs of maintaining and operating the Hall of Fame. The department may retain the surplus for the same purpose and is authorized to carry forward and expend such funds.~~

SECTION 51 - N04 - DEPARTMENT OF CORRECTIONS

- 51.2** **DELETE** (Farm Program) Directs that proceeds from the sale of excess agricultural products produced by the Farm Program be retained and used to expand and modernize the program or be used at the discretion of the director for projects or services benefiting the general welfare of the inmate population.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 24-1-252 effective 7-1-09.*

51.2. (CORR: Farm Program) ~~Notwithstanding any provision of law to the contrary, the proceeds from the sale of all excess agricultural products produced by the Farm Program of the South Carolina Department of Corrections shall be retained by that agency to be utilized in the expansion and modernization of the program or at the discretion of the director, for projects or services benefiting the general welfare of the inmate population.~~

- 51.11** **DELETE** (Reward for Information) Authorizes the Director of the Department of Corrections to award up to \$2,000 for information leading to the capture of each escaped convict. Directs that these funds are to be generated from monies or things of value used as money and confiscated from prisoners as contraband.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 24-3-920 effective 7-1-09.*

51.11. (CORR: Reward for Information) ~~The Director of the Department of Corrections may award up to two thousand dollars (\$2,000) for information leading to the capture of each escaped convict. Funds to support such awards shall be generated from monies or things of value used as money found in the unlawful possession of a prisoner and confiscated as contraband by the Department of Corrections.~~

- 51.12** **DELETE** (Sale of Timber) Authorizes the department to sell mature trees and other timber suitable for commercial purposes from department owned land. Requires the director to consult with the State Forester to determine the economic environmental feasibility of selling such trees and timber. Authorizes the director to also use the funds derived from such sales for projects or services benefiting the general welfare of the inmate population.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 24-1-250 effective 7-1-09.*

51.12. (CORR: Sale of Timber) ~~The Department of Corrections is hereby authorized to sell mature trees and other timber suitable for commercial purposes from lands owned by the Department of Corrections. Prior to such sales, the director shall consult with the State Forester to determine the economic and environmental feasibility of and obtain approval for such sales. Funds derived from timber sales shall be utilized by the Department of Corrections to maintain and expand the agricultural program, subject to the approval of the~~

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~~Budget and Control Board or at the discretion of the director, for projects or services benefiting the general welfare of the inmate population.~~

- 51.15 DELETE** (Sale of Horticultural Products) Authorizes the department to retain proceeds from the sale of horticultural projects to fund services benefiting the general welfare of inmates.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 24-1-250 effective 7-1-09.*

~~**51.15. (CORR: Sale of Horticultural Products)** The proceeds from the sale of horticultural products by the Department of Corrections shall be retained by the agency to fund services benefiting the general welfare of all inmates.~~

- 51.16 DELETE** (Victim Assistance Wage Deductions) Provides for specific deductions from an inmate's work release gross wages and directs the funds as follows: 10% placed in a special account to support victim assistance programs and 10% retained by the department to support services provided by the department to victims of the incarcerated population. Directs that excess funds revert to the victim assistance programs account at the end of the fiscal year. Requires the department, by September 1st each year, provide to the Senate Finance and House Ways and Means Committees an accounting of the expenditure of the retained funds and services provided. Directs that deductions only apply if restitution has not been ordered by the court or if court-ordered restitution has been satisfied. Requires restitution to be satisfied before any deductions for victim assistance programs are incurred.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 24-3-45 effective 7-1-09.*

~~**51.16. (CORR: Victim Assistance Wage Deductions)** Of monies generated by inmates engaged in work at paid employment in the community, the Director of the Department of Corrections shall deduct the following from the gross wages of the prisoner:~~

~~(a) ten percent must be placed on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the "Victims of Crime Act of 1984", Public Law 98-473, Title II, Chapter XIV, Section 1404; and~~

~~(b) ten percent must be retained by the department to support services provided by the department to victims of the incarcerated population. At the close of the fiscal year, any excess funds not expended by the department to support victim services shall revert to the victim assistance programs account as described in paragraph (a) and as mandated in S.C. Code Section 24-3-40(A)(2). The department is directed to provide an accounting to the Senate Finance Committee and Ways and Means Committee of how the retained funds were expended and the services that were provided by September 1 each year.~~

~~Such deductions shall apply only if restitution to a particular victim or victims has not been ordered by the court or if court-ordered restitution to a particular victim or victims has been satisfied. Otherwise restitution must be satisfied before any deductions for victim assistance programs are incurred.~~

- 51.19 DELETE** (Correctional Officer Retention Incentives) Authorizes the Director of the Department of Corrections to spend non-appropriated funds to provide certain services to correctional officers at no cost or at a reduced cost in order to positively impact retaining qualified officers. Directs that these services may include, but are not limited to, haircuts, cleaning agency uniforms, and other services directly related to correctional officer's job

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requirements. Authorizes incarcerated inmates to provide these services and for the director to determine the price, if any, for these services. Authorizes funds generated by such activities to be retained and applied to costs associated with the operation of correctional officer retention incentives.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 24-1-110 effective 7-1-09.*

51.19. (CORR: Correctional Officer Retention Incentives) ~~In order to positively impact the retention of qualified correctional officers, and notwithstanding any provision of law to the contrary, the Director of the Department of Corrections is authorized to expend nonappropriated funds for the purpose of providing certain services to correctional officers at no cost or at a reduced cost. These services may include, but are not limited to, the provision of haircuts, the cleaning of agency uniforms, and other matters that relate directly to job requirements for correctional officers. These services may be provided by inmates incarcerated within the Department of Corrections. The price for such services, if any, shall be determined by the Director of the Department of Corrections. Any funds generated by such activities may be retained by the Department of Corrections and applied to costs associated with the operation of correctional officer retention incentives.~~

SECTION 52 - N08 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

52.2 **DELETE** (Restitution Center Housing and Food) Authorizes the department to set, with B&C Board approval, the daily fee for housing and food while in the restitution center based on the offender's ability to pay, not to exceed actual costs. Directs that this fee is in addition to any supervision fee imposed by the department. Directs that revenues generated by this per day charge must be used to offset the cost of operating the restitution centers.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 24-24-480(4) effective 7-1-09.*

52.2. (DPPP: Restitution Center Housing and Food) ~~The department may set, with the approval of the Budget and Control Board, the per day charge for housing and food based on the offender's ability to pay so long as the per day charge does not exceed the actual costs of those services. This fee is in addition to any supervision fees that may be imposed by the department. The revenues generated by this per day charge must be used to offset the cost of operating the restitution centers.~~

52.4 **DELETE** (Cost of Extradition) Authorizes the department to charge offenders a fee based on the number of miles and length of time required to perform an extradition and requires the fee be used to offset the cost of extradition. Authorizes unexpended fee revenue to be retained and carried forward and used for the same purpose.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 24-21-87 effective 7-1-09.*

52.4. (DPPP: Cost of Extradition) ~~The department may charge offenders a fee based on the number of miles and length of time required to perform an extradition. The fee is to be used to offset the cost of extradition. All unexpended funds at year end may be retained and carried forward by the department to be expended for the same purpose.~~

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- 52.5 DELETE** (Victim Notification Processing Fee) Requires the department, in addition to any other fee, to charge each person applying for a pardon a \$50 victim notification processing fee. Directs that the fee be retained and used for the pardon process.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 24-21-960(A) effective 7-1-09.*

~~52.5. (DPPP: Victim Notification Processing Fee) In addition to any other fee, the department must charge each person applying for a pardon a fifty dollar victim notification processing fee. The fee must be retained by the department and applied to the department's pardon process.~~

- 52.7 DELETE** (Offender Polygraph) Authorizes the department to charge a fee to offenders required to have maintenance polygraphs and directs that the fee may not exceed the actual cost of the polygraph. Authorizes unexpended fee revenue to be retained and carried forward and used for the same purpose.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 24-21-87 effective 7-1-09.*

~~52.7. (DPPP: Offender Polygraph) The department may charge a fee to offenders required to have maintenance polygraphs. This fee may not exceed the actual cost of the maintenance polygraph. All unexpended funds at year end may be retained and carried forward by the department to be expended for the same purpose.~~

SECTION 53 - N12 - DEPARTMENT OF JUVENILE JUSTICE

- 53.5 DELETE** (Revenues Generated) Authorizes all revenues generated from USDA federal grants, the EFA, the Detention Center, and Medicaid federal funding to be retained, carried forward, and expended by the department in accordance with applicable regulations, for costs associated with related programs.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 20-7-6850 effective 7-1-09.*

~~53.5. (DJJ: Revenues Generated) All revenues generated from USDA federal grants, the Education Finance Act (EFA), the Detention Center, and Medicaid federal funding may be retained, carried forward into current fiscal year, and expended by the Department of Juvenile Justice, in accordance with applicable regulations, for the costs associated with these programs.~~

- 53.15 DELETE** (Credit for Pre-Dispositional Secure Confinement) Directs that juveniles detained in a temporary holding facility or juvenile detention center or who are temporarily committed to a DJJ evaluation center for the offense for which they were subsequently committed by the Family Court to DJJ custody shall receive credit toward their parole guidelines, if indeterminately sentenced and shall receive credit toward their release date if determinately sentenced for each day they are detained in or a temporarily committed to any secure pre-dispositional facility, center, or program.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 20-7-7810 effective 7-1-09.*

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~~53.15. (DJJ: Credit for Pre-Dispositional Secure Confinement) Juveniles detained in any temporary holding facility or juvenile detention center or who are temporarily committed for evaluation to a Department of Juvenile Justice evaluation center, for the offense for which they are subsequently committed by the Family Court to the custody of the Department of Juvenile Justice, shall receive credit toward their parole guidelines, if indeterminately sentenced, and credit toward their date of release, if determinately sentenced, for each day they are detained in or temporarily committed to any secure pre-dispositional facility, center, or program.~~

- 53.17 DELETE** (Detention Per Diem Costs) Requires local governments who use juvenile detention services provided by DJJ to pay the department a per diem of \$50 a day per child. Allows the department to apply the remainder of the per diem funds to operational or capital expenses associated with juvenile services provided by the department. Directs that if adequate funds are not received, the department may use funds from other programmatic areas to maintain an appropriate level of service.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 20-7-8005 effective 7-1-09.*

~~53.17. (DJJ: Detention Per Diem Costs) Local governments utilizing the juvenile detention services provided by the Department of Juvenile Justice must pay the department a per diem of fifty dollars a day per child. The department may apply the remainder of the funds generated by this item, if any, to operational or capital expenses associated with juvenile services provided by the department. If adequate funding is not received, the department shall have flexibility to use funds from other programmatic areas to maintain an appropriate level of service.~~

SECTION 64 - R28 - DEPARTMENT OF CONSUMER AFFAIRS

- 64.4 DELETE** (Prepaid Legal Services Fee) Authorizes the department to collect a \$45 fee each initial or renewal filing for an individual seeking to be appointed as a representative of a prepaid legal services company and to use the proceeds to offset the cost of administering and enforcing Chapter 16 of Title 37 [PREPAID LEGAL SERVICES].

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 37-16-30 effective 7-1-09.*

~~64.4. (CA: Prepaid Legal Services Fee) The Department of Consumer Affairs may collect a fee of forty dollars with each initial or renewal filing for an individual seeking to be appointed as a representative of a prepaid legal services company and may use the proceeds to offset the costs of administering and enforcing Chapter 16 of Title 37 of the S. C. Code of Laws.~~

- 64.5 DELETE** (Registered Credit Grantor Notification and Maximum Rate Filing Fees) Authorizes the department to collect a fee of \$120 for persons required to file Consumer Credit Grantor Notification under Section 37-6-203 [CONSUMER PROTECTION CODE-ADMINISTRATION] and to retain \$30 of each fee to offset administration and enforcement. Authorizes the department to collect a \$40 fee for each location for persons required to file maximum rate schedules under Sections 37-2-305 [CONSUMER PROTECTION CODE-CREDIT SALES] and 37-3-305 [CONSUMER PROTECTION CODE-LOANS]. Authorize the department to retain \$30 of each fee to offset administration and enforcement. Allows the department to apply the

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revenue generated and retained to the cost of operations and authorizes unexpended funds to be carried forward and used for the same purposes.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Sections 37-2-305(8), 37-3-305(8), and 37-6-203 effective 7-1-09.*

~~64.5. (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees) The Department of Consumer Affairs may collect a fee of \$120 for persons required to file Consumer Credit Grantor Notification under Section 37-6-203. The department may retain \$30 of the fee to offset the cost of administering and enforcing Chapter 6 of Title 37 of the S.C. Code of Laws. The department may collect a fee of \$40 per location for persons required to file maximum rate schedules under Section 37-2-305 and Section 37-3-305. The department may retain \$30 of the maximum rate schedule filing fee to offset the cost of administering and enforcing chapters 2 and 3 of Title 37 of the S.C. Code of Laws. The revenue generated and retained for the department may be applied to the cost of operations; and any unexpended balances may be carried forward to the current fiscal year and utilized for the same purposes.~~

SECTION 65 - R36 - DEPARTMENT OF LABOR, LICENSING AND REGULATION

65.7 **DELETE** (Instructor Clothing) Authorizes LLR to purchase and issue clothing to State Fire Academy staff.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 23-10-20 effective 7-1-09.*

~~65.7. (LLR: FLS - Instructor Clothing) The Department of Labor, Licensing and Regulation is authorized to purchase and issue clothing to the staff of the State Fire Academy.~~

SECTION 66 - R40 - DEPARTMENT OF MOTOR VEHICLES

66.5 **DELETE** (Vehicle License Tax Year) Requires the department to allocation sufficient Technology and Program Development program funds to implement necessary accounting and computer operating system changes to ensure that after a license tag is transferred to a vehicle and before processing any subsequent tag transfers to the same vehicle, a paid tax receipt based on the value of the vehicle to which the tag is transferred for the remaining months of the tax year is received. Directs that this only applies if the owner requesting the transfer had previously transferred a tag to the same vehicle.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 56-3-1290 effective 7-1-09.*

~~66.5. (DMV: Vehicle License Tax Year) From funds allocated for other operating expenses in program II. D. Technology and Program Development, the department shall allocate sufficient funds to implement necessary accounting and computer operating system changes to ensure that after the transfer of a license tag to a vehicle, before any subsequent transfer of a license tag to that same vehicle is processed, the department shall require a paid tax receipt, based upon the value of the vehicle to which the license tag is being transferred, for the remaining months of the tax year of the license tag being transferred. This requirement shall only apply if the owner requesting the transfer has previously transferred a tag to the same vehicle. Should the vehicle from which the tag was transferred be re-~~

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~~registered, the registration cycle for that vehicle shall begin in the month that the new tag is issued. This provision shall take effect January 1, 2006.~~

- 66.6** **DELETE** (Validation Stickers) Directs that annual license tag validation stickers issued for nonpermanent license tags on certified public law enforcement vehicles shall be issued without charge.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 56-3-620 effective 7-1-09.*

~~66.6. (DMV: Validation Stickers) Annual license tag validation stickers which are issued for non permanent tags on certified, public law enforcement vehicles shall be issued without charge by the Department of Motor Vehicles.~~

- 66.9** **DELETE** (CDL Skills Test Fee) Directs that an individual's first commercial driver's license (CDL) skills test administered by DMV is free of charge. Authorizes DMV to charge a \$25 fee for each subsequent CDL skills test. Exempts state agency and school district employees who are required to possess a CDL in the course of their normal job duties. Requires the State Treasurer to place this fee into a special earmarked account to be used by DMV.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 56-1-2080(A)(1) effective 7-1-09.*

~~66.9. (DMV: CDL Skills Test Fee) The commercial driver's license skills test shall be administered to an individual free of charge one time, thereafter the Department of Motor Vehicles is authorized to charge a fee of twenty five dollars for each commercial driver's license skills test administered by the department. State agency and school district employees who are required to possess a commercial driver's license in the course of their normal job duties are exempt from this requirement. This fee must be deposited into a special earmarked account by the State Treasurer to be used by the Department of Motor Vehicles.~~

- 66.12** **DELETE** (License Tag Transfer Fee) Authorizes DMV to charge a \$10 fee to transfer a license plate assigned for one vehicle to another vehicle owned or leased by the same person. Requires that \$3 of the fee be credited to the State General Fund with the remaining funds placed into a special earmarked account by the State Treasurer to be used by DMV.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 56-3-1290 effective 7-1-09.*

~~66.12. (DMV: License Tag Transfer Fee) For the current fiscal year, the Department of Motor Vehicles is authorized to charge a fee of ten dollars for the transfer of a license plate from one vehicle to another vehicle owned or leased by the same person. Of this fee, three dollars must be credited to the State General Fund. The remainder must be placed into a special earmarked account by the State Treasurer to be used by the Department of Motor Vehicles.~~

- 66.14** **DELETE** (Duplicate License Fee) Authorizes DMV to increase the Duplicate License Fee from \$3 to \$10. Directs that the \$7 increase must be deposited in a special earmarked account by the State Treasurer to be used by the DMV.

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PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 56-1-200 effective 7-1-09.*

66.14. (DMV: Duplicate License Fee) ~~For the current fiscal year, the Department of Motor Vehicles is authorized to increase the Duplicate License Fee from three to ten dollars. This incremental increase of seven dollars must be deposited into a special earmarked account by the State Treasurer to be used by the Department of Motor Vehicles.~~

SECTION 71 - C05 - ADMINISTRATIVE LAW COURT

- 71.3** **DELETE** (Filing Fee) Directs that each request for a contested case hearing, notice of appeal, or request for injunctive relief must be accompanied by a filing fee equal to that charged in circuit court for filing a summons and complaint unless another filing fee schedule is established by rules promulgated by the Administrative Law Court (ALC) and shall be subject to review. Requires the fee be retained by the ALC to help defray proceedings costs. Directs that no filing fee is required in administrative appeals by inmates from final decisions of the Department of Corrections or the Department of Probation, Pardon and Parole. Directs that if an inmate files 3 administrative appeals during a calendar year a \$25 filing fee must accompany each subsequent filing. Allows a judge to impose sanctions if at the end of the proceeding it is determined that the case was frivolous or taken solely for the purpose of delay.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 1-23-670 effective 7-1-09.*

71.3. (ALJ: Filing Fees) ~~Each request for a contested case hearing, notice of appeal, or request for injunctive relief before the Administrative Law Court must be accompanied by a filing fee equal to that charged in circuit court for filing a summons and complaint, unless another filing fee schedule is established by rules which shall be promulgated by the Administrative Law Court, and shall be subject to review as are rules of procedure promulgated by the Supreme Court under Article V of the Constitution. (Article V, Section 4A requires submission to the Judiciary Committee of each House and are effective 90 days from submission unless disapproved by the General Assembly.) This fee must be retained by the Administrative Law Court in order to help defray the costs of the proceedings. No filing fee shall be required in administrative appeals by inmates from final decisions of the Department of Corrections or the Department of Probation, Pardon and Parole. However, if an inmate files three administrative appeals during a calendar year, then each subsequent filing during that year must be accompanied by a twenty five dollar filing fee. If the presiding administrative law judge determines at the conclusion of the proceeding that the case was frivolous or taken solely for the purpose of delay, the judge may impose such sanctions as the circumstances of the case and discouragement of like conduct in the future may require.~~

- 71.4** **DELETE** (Code of Laws) Directs that the Administrative Law Court is not required to reimburse Legislative Council for the cost of the codes of laws, supplements, or replacement volumes distributed to the court.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 1-23-680 effective 7-1-09.*

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~~71.4. (ALJ: Code of Laws) The Administrative Law Court is not required to reimburse Legislative Council for the cost of acquiring codes of law, supplements, or replacement volumes distributed to them.~~

SECTION 73 - E04 - LIEUTENANT GOVERNOR'S OFFICE

- 73.1 DELETE** (Personnel Administration Exemption) Exempts staff of the Lieutenant Governor's Office who report directly to the Lt. Governor from Article 3, Chapter 11, Title 8 [STATE PERSONNEL ACT] and exempts employees of the Lt. Governor's Office who report directly to the Lt. Governor or report directly to a person who reports directly to the Lt. Governor from the provisions of Article 5, Chapter 17, Title 8 [GRIEVANCE ACT].
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Sections 8-11-260 and 8-17-370 effective 7-1-09.*

~~73.1. (LTG: Personnel Administration Exemption) The staff of the Lieutenant Governor's Office who report directly to the Lieutenant Governor shall be exempt from the provisions of Article 3, Chapter 11, Title 8 of the 1976 Code of Laws, as amended. In addition, employees of the Lieutenant Governor's Office shall be exempt from the provisions of Article 5, Chapter 17, Title 8 of the 1976 Code of Laws, as amended, if those employees report directly to the Lieutenant Governor or report directly to a person who reports directly to the Lieutenant Governor.~~

- 73.2 DELETE** (Division on Aging Transfer) Transfers the Division on Aging functions, duties, & responsibilities from the Department of Health and Human Services to the Lieutenant Governor as the Office on Aging and requires that a director be hired to administer the office.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Chapter 21 of Title 43 and Sections 9-1-10(11)(g), 9-1-10(14), and 1-11-720(A)(9) effective 7-1-09.*

~~73.2. (LTG: Division on Aging Transfer) The duties, functions and responsibilities of the Division on Aging are transferred from the Department of Health and Human Services to the Office of the Lieutenant Governor as the Office on Aging. A director must be employed to be the administrator of the office.~~

SECTION 76 - E16 - STATE TREASURER'S OFFICE

- 76.5 DELETE** (Assessments & Filing Fees) Directs the State Treasurer to retain an amount equal to 1% of assessments in Municipal, Magistrate, Family, and General Sessions Courts and filing fees in courts of record and to credit these funds to the General Fund of the State. Requires that those retained revenues be used for training local governments and to defray administrative expenses of the collection and distribution of the revenues. Requires the State Treasurer's Office to identify any jurisdiction it believes is not transmitting assessments and filing fees in the required timely manner and to follow-up with the County Treasurer to determine why the appropriate amounts have not been remitted.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Sections 14-1-206(A)(B)(C); 14-1-207; 14-1-208; and 14-1-218 effective 7-1-09.*

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~~76.5. (TREAS: Assessments & Filing Fees) The State Treasurer shall retain an amount equal to one percent of that portion of assessments in Municipal, Magistrate, Family, and General Sessions Courts and filing fees in courts of record which must be credited to the General Fund of the State and require that those retained revenues must be used for training local governments and to defray the administrative expenses of the collection and distribution of these revenues. Further, the State Treasurer's Office shall identify any jurisdiction that it believes is not timely transmitting assessments and filing fees required to be paid to the State Treasurer and follow up with the County Treasurer to determine why the appropriate amounts have not been remitted.~~

SECTION 80A - F03 - BUDGET AND CONTROL BOARD

80A.9 DELETE (Mid-Year Budget Reductions & Restricting the Rate of Expenditures) Directs the B&C Board to survey the progress of revenue collection and expenditure of funds by all agencies, departments, and institutions and if it determines a year-end aggregate deficit may occur due to a projected shortfall in anticipated revenues, to use available funds to avoid a year-end deficit and to take action to restrict the rate of expenditure of all agencies, departments, and institutions. Prohibits an institution, activity, program, item, special appropriation, or allocation for which the General Assembly has provided funding from being discontinued, deleted, or deferred by the board. Requires a rate of expenditure reduction by the board to be applied as uniformly as may be practicable, except prohibits a reduction from being applied to funds encumbered by a written contract. Prohibits the board from ordering the reduction while the General Assembly is in session without first reporting to the General Assembly and waiting five days for the General Assembly to take action to prevent the reduction. Directs agencies to budget and allocate appropriations on a quarterly basis in order to avoid an operating deficit. Recognizes that state institutions' academic year calendars affect uniformity of receipt and distribution of funds. Requires the Comptroller General or the Office of State Budget to report to the board on any agency that is spending appropriations at a rate which projects a general fund deficit for the agency. Directs the board to require an agency to file a quarterly allocations plan and authorizes the board to restrict an agency's rate of expenditures if it is determined that a deficit may occur. Directs that it is the agency's responsibility to develop a plan, in consultation with the board, to eliminate or reduce a deficit. Directs that if the board finds a deficit is unavoidable due to factors outside the agency's control, the board may recognize the deficit and notify the General Assembly of the action or the presiding officer of the House and Senate if the General Assembly is not in session. Authorizes the General Assembly, upon notification from the board, to make supplemental appropriations from surplus revenues that existed at the close of the previous fiscal year. Directs that if the General Assembly does not take action, the board's finding shall stand and the actual deficit at the close of the fiscal year must be reduced from surplus revenues or surplus funds available at the close of the fiscal year in which the deficit occurs and from funds available in the Capital Reserve Fund and General Reserve Fund. Directs that if the board finds that the reason for a deficit is the result of the agency, the state officials responsible for agency management must be held liable and the board shall notify the Agency Head Salary Commission of this finding. Directs that if the board finds that a projected deficit is the result of agency management the board shall take immediate steps to curtail agency expenditures to bring expenditures in line with authorized appropriations and avoid a year-end operating deficit.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 1-11-495 effective 7-1-09.*

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80A.9. (BCB: Mid-Year Budget Reductions & Restricting the Rate of Expenditures)
~~Any appropriations made herein or by special act now or hereafter, are hereby declared to be maximum, conditional and proportionate, the purpose being to authorize expenditures not to exceed the amounts named herein, if necessary, but only in the event the aggregate revenues available during the period for which the appropriations are made are sufficient to pay them in full. The State Budget and Control Board is directed to survey the progress of the collection of revenue and the expenditure of funds by all agencies, departments and institutions. If the Budget and Control Board determines that a year end aggregate deficit may occur by virtue of a projected shortfall in anticipated revenues, it shall utilize such funds as may be available and required to be used to avoid a year end deficit and thereafter take such action as necessary to restrict the rate of expenditure of all agencies consistent with the provisions of this section. No institution, activity, program, item, special appropriation, or allocation for which the General Assembly has provided funding in any part of this act shall be discontinued, deleted, or deferred by the Budget and Control Board. Any reduction of rate of expenditure by the Board, under authority of this act, shall be applied as uniformly as may be practicable except that no reduction shall be applied to funds encumbered by a written contract with an agency not connected with the State Government. No such reduction shall be ordered by the State Budget and Control Board while the General Assembly is in session without first reporting such necessity to the General Assembly and the General Assembly has taken no action to prevent the reduction within five statewide session days of formal written notification.~~

~~As far as practicable all departments, institutions, and agencies of the State are hereby directed to budget and allocate appropriations as quarterly allocation so as to provide for operation on uniform standards throughout the fiscal year and in order to avoid an operating deficit for the fiscal year. It should be recognized that academic year calendars of state institutions will affect the uniformity of the receipt and distribution of funds during the years. The Comptroller General or the Office of State Budget shall make such reports to the Budget and Control Board as they deem advisable on any agency which is expending authorized appropriations at a rate which predicts or projects a general fund deficit for the agency. The Budget and Control Board is authorized and directed to require any such agency, institutions or department to file a quarterly allocations plan and is further authorized to restrict the rate of expenditures of the agency, institution or department if the board determines that a deficit may occur. It is the responsibility of any such agency to develop a plan, in consultation with the Budget and Control Board, that eliminates or reduces a deficit. Should the Budget and Control Board make a finding that the cause of and likelihood of a deficit is unavoidable due to factors which are wholly outside of an agency's control, then the board may determine that the recognition of an agency deficit is appropriate and shall notify the General Assembly of such action or the presiding officer of the House and Senate if the General Assembly is not in session. Upon receipt of such notification from the Budget and Control Board, the General Assembly may authorize supplemental appropriations from any surplus revenues which existed at the close of the previous fiscal year. If the General Assembly fails to take action, then the finding of the Budget and Control Board shall stand, and the actual deficit at close of the fiscal year shall be reduced as necessary from surplus revenues or surplus funds available at the close of the fiscal year in which the deficit occurs and from funds available in the Capital Reserve Fund and General Reserve Fund, as required by the Constitution. If the Budget and Control Board finds that the likelihood and cause of a deficit is the result of agency management, then the bond of state officials responsible for management of the agency involved shall be held liable therefor and the board shall notify the Agency Head Salary Commission of such~~

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~~finding. In the case of a finding that a projected deficit is the result of the management of the agency, the Budget and Control Board shall take immediate steps to curtail agency expenditures in such a manner so as to bring expenditures in line with authorized appropriations and avoid a year-end operating deficit.~~

- 80A.24 DELETE** (Military Service Leave) Directs that a state employee in a full time position who serves on active duty in a combat zone and who has exhausted all available leave for military purposes is entitled to receive up to 30 additional days of military leave in any one year.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 8-7-90 effective 7-1-09.*

~~**80A.24.** (BCB: Military Service Leave) A state employee in an FTE position who serves on active duty in a combat zone and who has exhausted all available leave for military purposes is entitled to receive up to thirty additional days of military leave in any one year. Any one year means either a calendar year or, in the case of members required to perform active duty for training or other duties within or on a fiscal year basis, the fiscal year of the National Guard or reserve component issuing the orders.~~

- 80A.35.** (BCB: National Guard Pension Eligibility) Directs that from the funds appropriated in Part IA, Section 80C for "Pensions-Ret National Guard", a person who becomes a member of the Guard after 6/30/93, and is otherwise eligible, may receive a National Guard pension authorized by Chapter 10 of Title 9 [NATIONAL GUARD RETIREMENT SYSTEM]. Directs that this provision applies to National Guard pension benefits payable on or after 1/1/07.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 343 of 2008 by adding Section 9-10-35.*

~~**80A.35.** (BCB: National Guard Pension Eligibility) From funds appropriated in Part IA, Section 80C, for "Pensions-Ret National Guard," a person who becomes a member of the National Guard after June 30, 1993, if otherwise eligible, may receive a National Guard pension authorized by Chapter 10 of Title 9. The provisions of this paragraph apply to National Guard pension benefits payable on or after January 1, 2007.~~

SECTION 81 - R44 - DEPARTMENT OF REVENUE

- 81.3 DELETE** (Training) Authorizes the department to charge participants a fee to cover the cost of education and training programs and to apply the revenue to the cost of the related operation. Authorizes the funds to be carried forward and used for the same purpose.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 12-4-388 effective 7-1-09.*

~~**81.3.** (DOR: Training) The Department of Revenue may charge participants a fee to cover the cost of education and training programs. The revenue generated may be applied to the cost of the related operation, and any unexpended balance may be carried forward to subsequent fiscal periods and utilized for the same purpose.~~

- 81.4 DELETE** (Tax Education Program) Authorizes the department to charge participants in taxpayer educational activities required by Section 12-58-40 [TAXPAYER EDUCATION AND INFORMATION PROGRAM] a fee to recover the related direct costs and to apply the revenue to

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these costs. Authorizes any unexpended balance to be carried forward and used for the same purposes.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 12-4-388 effective 7-1-09.*

~~81.4. (DOR: Tax Education Program) Pursuant to taxpayer educational activities stipulated and authorized by SC Code Section 12-58-40, the Department of Revenue may charge participants a fee to recover the related direct costs. The revenue generated from this may be applied to said cost, and any unexpended balance may be carried forward to subsequent fiscal periods and used for the stated purpose.~~

- 81.5 DELETE** (Enforcement-Confiscated Alcoholic Beverage Revenue) Requires the department to maintain adequate records accounting for the receipt of funds from the sale of confiscated alcoholic beverages. Requires the revenue to be deposited to the credit of the State General Fund after deducting the costs of confiscation and sale.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 12-4-377 effective 7-1-09.*

~~81.5. (DOR: Enforcement-Confiscated Alcoholic Beverage Revenue) The Department of Revenue is directed to maintain adequate records accounting for the receipt of funds from the sale of confiscated alcoholic beverages. Such revenue shall be deposited to the credit of the General Fund of the State after deducting the cost of confiscation and sale.~~

- 81.6 DELETE** (Federal Refund Offset Program) Authorizes the department to incur and pay the expense of the fee required by IRS Code Section 6402(e)(6), as required for the Federal Refund Offset Program. Directs that the fee must be paid upon department certification by drawing upon funds from the same tax type setoff.

PROVISOSUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 12-7-379 effective 7-1-09.*

~~81.6. (DOR: Federal Refund Offset Program) The department may incur and pay the expense of the fee required at Internal Revenue Code 6402(e)(6), as may be required to effectuate the Federal Refund Offset Program, and this fee must be paid upon certificate of the department by drawing upon funds from the same tax type set off.~~

- 81.7 DELETE** (Administrative Fees) Authorizes the department to impose a \$60 fee for each certificate of compliance and \$35 for each informal nonbinding letter concerning eligibility for infrastructure credits against the license tax that it issues. Requires the revenue to be retained and expended for budgeted operations.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 12-4-388 effective 7-1-09.*

~~81.7. (DOR: Administrative Fees) The Department of Revenue may impose a sixty dollar fee for the issuance of each certificate of compliance. A thirty five dollar fee for each informal nonbinding letter concerning eligibility for infrastructure credits against the license tax shall be imposed. These fees must be retained and expended for use in budgeted operations.~~

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- 81.8** **DELETE** (Installment Agreements) Authorizes the department to impose a \$45 fee for entering into installment agreements for the payment of tax liabilities in order to defray administrative expenses. Requires the revenue to be retained and expended for use in budgeted operations of the department.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 12-4-388 effective 7-1-09.*

~~81.8. (DOR: Installment Agreements) To defray administrative expenses, the department is authorized to impose a forty five dollar fee for entering into installment agreements for the payment of tax liabilities. The fee shall be retained and expended for use in budgeted operations.~~

- 81.9** **DELETE** (Data Warehousing) Authorizes the department to contract with private entities to establish data mining and data warehousing capabilities within the department to enhance compliance and collections. Directs that arrangements may include payment from the increased revenue generated by such capabilities. Allows the department to be reimbursed from the revenue generated from the data warehouse for costs associated with administering this provision and to retain and expend these funds for budgeted operations.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 12-4-393 effective 7-1-09.*

~~81.9. (DOR: Data Warehousing) The Department of Revenue is authorized to contract with private industry to establish data mining and data warehousing capabilities within the department, to enhance compliance and collections. Such arrangements may include payment from the increased revenue generated by such capabilities. The department shall be allowed reimbursement of costs associated with administration of this proviso from the data warehouse generated collections. This amount may be retained and expended for budgeted operations.~~

- 81.10** **DELETE** (Bankruptcy) Authorizes the department to retain and expend the first \$150,000 of bankruptcy operations funds each fiscal year to defray its administrative costs, including staff. Requires that the remaining revenue collected from this source be remitted to the State General Fund.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 12-4-375 effective 7-1-09.*

~~81.10. (DOR: Bankruptcy) The department may retain and expend in budgeted operations the first \$150,000 from its bankruptcy operations to defray its administrative costs to include staff. The remaining revenue collected shall be remitted to the general fund.~~

- 81.11** **DELETE** (Military Quarterly Filing Relief) Prohibits interest, penalties, or other sanctions from being imposed on the active duty income of members of the National Guard and Reserve activated due to the conflict in Iraq and the war on terrorism regarding underpayment of state estimated individual income tax payments of the active duty income if the federal government is not able to properly withhold state income taxes due on their active duty pay.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 12-6-3930 effective 7-1-09.*

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81.11. (DOR: Military Quarterly Filing Relief) ~~No interest, penalties, or other sanctions may be imposed on the active duty income of members of the National Guard and Reserves activated as a result of the conflict in Iraq and the war on terrorism with regard to payment of state estimated quarterly individual income tax payments of the active duty income if the federal government is unable to properly withhold State of South Carolina income taxes due on their active duty pay.~~

- 81.12** **DELETE** (Audit) Directs the department to use available personnel to conduct audits involving all taxes to promote voluntary compliance and to collect revenues for the State General Fund and designated accounts.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 12-4-387 effective 7-1-09.*

81.12. (DOR: Audit) ~~The department shall use available personnel to conduct audits involving all taxes to help promote voluntary compliance and to collect dollars for the general fund and designated accounts.~~

SECTION 82 - R52 - STATE ETHICS COMMISSION

- 82.1** **DELETE** (Training Charges) Authorizes the Ethics Commission to charge a \$10 fee to partially offset the cost of providing ethics education and training programs and costs associated with travel, including but not limited to, mileage, lodging, and meals as well as costs associated with handouts and other training materials.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 8-13-120 effective 7-1-09.*

82.1. (SEC: Training Charges) ~~The State Ethics Commission may charge a ten dollar fee to partially offset the cost of providing ethics education and training programs, to include costs associated with travel, i.e. mileage, lodging and meals, as well as costs associated with handouts and other training materials.~~

- 82.2** **DELETE** (Enforcement Administrative Charges) Authorizes the Ethics Commission to levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation, of the 'Ethics, Government Accountability and Campaign Reform Act of 1991'. Requires that the fee be used to reimburse the commission for costs associated with the investigation and hearing of a violation and directs that costs associated include: (1) the investigator's time, mileage, meals, and lodging; the prosecutor's time; the hearing panel's travel, per diem, and meals; administrative time; subpoena costs to include witness fees and mileage; and miscellaneous costs such as postage and supplies. Directs that this fee is in addition to any fines otherwise provided by law.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 8-13-130 effective 7-1-09.*

82.2. (SEC: Enforcement Administrative Charges) ~~The State Ethics Commission may levy an enforcement/administrative fee to all individuals who are found in violation, or who admit to violations, of The Ethics, Government Accountability and Campaign Reform Act of 1991 to reimburse the Commission for costs associated with the investigation of and hearings into those violations. The costs associated include: the investigator's time, mileage, meals and lodging; the prosecutor's time; the hearing panel's travel, per diem, and~~

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~~meals; administrative time; subpoena costs to include witness fees and mileage; and miscellaneous costs such as postage and supplies. This fee is in addition to any and all fines as otherwise provided by law.~~

- 82.3** **DELETE** (Retention of Revenue From Fees) Authorizes the Ethics Commission to retain funds derived from additional assessments associated with late filing fees to offset the costs of administering and enforcing the 'Ethics, Government Accountability, and Campaign Reform Act of 1991'. Authorizes unexpended funds to be carried forward into the current fiscal year and expended for the same purpose.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 8-13-140 effective 7-1-09.*

~~**82.3.** (SEC: Retention of Revenue From Fees) The Ethics Commission is authorized to retain any funds derived from additional assessments associated with late filing fees to offset the costs of administering and enforcing the Ethics, Government Accountability, and Campaign Reform Act. The commission shall be authorized to carry forward unexpended funds into the current fiscal year for the same purpose.~~

- 82.4** **DELETE** (Carry Forward Lobbying Fees) Authorizes the Ethics Commission to carry forward unexpended lobbyists and lobbyist's principals registration fees into the current fiscal year and to use these funds for the same purpose.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 8-13-150 effective 7-1-09.*

~~**82.4.** (SEC: Carry Forward Lobbying Fees) The State Ethics Commission is authorized to carry forward unexpended lobbyists and lobbyist's principal registration fees into the current fiscal year and to use these funds for the same purpose.~~

SECTION 89 - X90 - GENERAL PROVISIONS

- 89.40** **DELETE** (Pay Telephone Revenue) Requires all state agencies, institutions, colleges and universities to remit to the General Fund all pay telephone revenues received and monies retained above the cost of placement of pay telephones on public property. Requires that an annual revenue report from each entity with pay telephones be made to the Office of State Budget. Directs that state to forgo any commissions or revenues for providing pay telephones for inmates to use in Department of Corrections and Department of Juvenile Justice institutions. Directs the B&C Board to ensure that the telephone rates charged by vendors for the use of those telephones are reduced to reflect this foregone state revenue.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 10-1-210 effective 7-1-09.*

~~**89.40.** (GP: Pay Telephone Revenue) All state agencies, institutions, colleges and universities must remit to the general fund all revenues received and all monies retained above the cost of allowing the placement or location of pay telephones on public property. Each state agency, institution, college and university must annually report to the Office of State Budget the revenue received for allowing the placement or location of pay telephones on public property. This proviso includes any commission(s), state agencies, institutions, colleges and universities receive for allowing the placement or location of pay telephones on public property. Public property means any and all property occupied or under the control~~

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~~of a state agency, institution, college or university. The State shall forego any commissions or revenues for the provision of pay telephones in institutions of the Department of Corrections and the Department of Juvenile Justice for use by inmates. The State Budget and Control Board shall ensure that the telephone rates charged by vendors for the use of those telephones must be reduced to reflect this foregone state revenue.~~

- 89.50** **DELETE** (Across-the-Board Reductions) Encourages state agencies, if the B&C Board or General Assembly mandates an across-the-board reduction, to reduce general operating expenses including, but not limited to, travel, training, procurement, hiring of temporary and contractual employees before reducing programs, special line items, or local provider services critical to an agency's mission.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 1-11-497 effective 7-1-09.*

~~**89.50.** (GP: Across-the-Board Reductions) When spreading any across-the-board cut mandated by the Budget and Control Board or the General Assembly, state agencies are encouraged to reduce general operating expenses, which shall include but is not limited to, travel, training, procurement, and the hiring of temporary and contractual employees before reductions are made to programs, special line items, or local provider services critical to the agency's mission.~~

- 89.60** **DELETE** (Administrative Hearings) Allows an administrative state agency that performs administrative hearings to use existing video conferencing capabilities. Requires that there be evidence of cost savings by using video conferencing, rather than holding an administrative hearing where all parties must be in attendance at a particular location. Directs that a report of video conferencing activities and related cost savings be annually submitted to the House Ways and Means and Senate Finance Committees before January 15th.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 1-1-1610 effective 7-1-09.*

~~**89.60.** (GP: Administrative Hearings) Any administrative state agency performing administrative hearings within the State of South Carolina may make use of existing video conferencing capabilities. There must be evidence that a cost savings will be recognized by using video conferencing, as opposed to holding an administrative hearing where all parties must be in attendance at one particular location. A report of video conferencing activities and any related cost savings must be submitted annually, before January 15, to the House Ways and Means Committee and the Senate Finance Committee.~~

- 89.61** **DELETE** (Fee for Motions Disbursement) Directs the State Treasurer, from revenue collected pursuant to this Section 8-21-320 [MOTION FEES], to transfer the first \$450,000 to the Prosecution Coordination Commission and that the funds be distributed equally to the 3rd, 4th, and 11th judicial circuits to fund drug courts, with any remaining funds transferred to the Judicial Department for operation purposes.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 8-21-320 effective 7-1-09.*

~~**89.61.** (GP: Fee for Motions Disbursement) For the current fiscal year, the revenue collected pursuant to Section 8-21-320 of the 1976 Code shall be distributed by the State~~

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~~Treasurer in the following manner: (1) The first \$450,000 of these funds must be transferred to the Prosecution Coordination Commission. The funds shall be distributed equally to the third, fourth, and eleventh judicial circuits to fund drug courts. (2) Any remaining funds must be transferred to the Judicial Department for operating purposes.~~

- 89.71 DELETE** (Magistrate Civil & Complaint Filing Fees) Directs that a \$25 assessment is imposed on all summons and complaint filings in magistrates court and a \$10 assessment is imposed on all other civil filings in magistrates court, except for restraining orders. Requires that the fees be collected by the magistrates court and forwarded monthly to the county treasurer and be remitted in turn by the county treasurer to the State Treasurer for allocation to the Judicial Department.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 23-3-330 effective 7-1-09.*

~~**89.71.** (GP: Magistrate Civil & Complaint Filing Fees) For the current fiscal year, a twenty-five dollar assessment shall be imposed on all summons and complaint filings in magistrate court and a ten dollar assessment shall be imposed on all other civil filings in magistrate court except on restraining orders. The fees shall be collected by the magistrate court and forwarded to the county treasurer monthly to be remitted to the State Treasurer for allocation to the Judicial Department.~~

- 89.75 DELETE** (State Health Plan - Experience Rating for Local Disabilities and Special Needs Boards) Directs that the B & C Board's experience rating of all local disabilities and special needs providers pursuant to Section 1-11-720(A)(3) [ENTITIES WHOSE EMPLOYEES AND RETIREES ARE ELIGIBLE FOR STATE HEALTH AND DENTAL INSURANCE PLANS; REQUIREMENTS FOR ELIGIBILITY] must be rated as a single group when rating all optional groups participating in the state employee health insurance program.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 1-11-725 effective 7-1-09.*

~~**89.75.** (GP: State Health Plan - Experience Rating for Local Disabilities and Special Needs Boards) With respect to the Budget and Control Board's experience rating of all optional groups participating in the State employee health insurance program under the authority of Section 1-11-720, all local Disabilities and Special Needs providers are authorized under Subsection (A)(3) will be rated as a single group.~~

- 89.84 DELETE** (Law School Educational Fee Waiver) Authorizes a public institution of higher learning to offer fee waivers to no more than 4% percent of the law school student body. Directs that this waiver shall not impact the capacity of the fee waivers for 4% of the undergraduate student body. Directs that this waiver cannot be applied to fees for out-of-state students.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 59-112-130 effective 7-1-09.*

~~**89.84.** (GP: Law School Educational Fee Waiver) For the current fiscal year, a public institution of higher learning with a law school may offer fee waivers to no more than four percent of the law school student body. This waiver shall not impact the capacity of the fee waivers for four percent of the undergraduate student body. This waiver can not be applied to fees for out-of-state students.~~

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- 89.99** **DELETE** (Electricity Franchise Fee) Directs that the state shall not pay a franchise fee to any municipality or utility for electrical power provided to the state under "Stateline Accounts." Reaffirms that Act 440 of 1925 defined the parameters of the "Stateline Accounts."

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 329 of 2008 by adding Section 58-27-415.*

~~**89.99.** (GP: Electricity Franchise Fee) The State shall not pay a franchise fee to any municipality or utility with respect to electrical power provided to the State by a utility under the "Stateline Accounts." The "Stateline Accounts" referenced in this proviso are those State electrical power accounts that arose from the 1925 agreement validated, ratified and approved in Act No. 440 of 1925 (34 Stats. 852).~~

SECTION 90 - X91 - STATEWIDE REVENUE

- 90.2** **DELETE** (Law Enforcement Funding) Directs that an additional \$25 surcharge is imposed on all fines, forfeitures, escheatments or other monetary penalties imposed in general sessions, magistrates, or municipal court for misdemeanor traffic offenses or for nontraffic violations. Prohibits waiver, reduction or suspension of any portion of the surcharge. Directs that revenue collected must be retained by the jurisdiction that heard or processed the case and be paid to the State Treasurer within 30 days after receipt. Authorizes the State Treasurer to retain the actual cost associated with surcharge collection, up to \$40,000. Directs the State Treasurer to quarterly transfer specific percentage to: circuit solicitors; DJJ for the Coastal Evaluation Center for Assault Prevention and other federal lawsuit related expenses; SLED for general purposes; Department of Corrections for general purposes; Attorney General's Office for general purposes; Judicial Department for general purposes; DNR for statewide police responsibilities; Office on Indigent Defense, Division of Appellate Defense for general purposes; Forestry Commission for statewide police responsibilities; and DPS for the Highway Patrol for equipment, vehicle purchases and associated vehicle expenses. Directs the Prosecution Coordination Commission to apportion the solicitors' office funds on a per capita basis equal to the circuit population compared to the state as a whole based on the latest US Census. Directs that the amounts provided to solicitors' offices per this section must be in addition to amounts currently being provided by the county and may not be used to supplant funds already allocated by the county. Authorizes the State Treasurer to request the State Auditor to examine any jurisdiction's financial records if he believes that funds are not being transmitted in a timely manner. Authorizes the State Auditor to conduct these exams and require the local jurisdiction to participate in and fully cooperate with the exam.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by adding Section 14-1-212 effective 7-1-09.*

~~**90.2.** (SR: Law Enforcement Funding) (A) In addition to all other assessments and surcharges, during the current fiscal year, a twenty-five dollar surcharge is also levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates' or municipal court for misdemeanor traffic offenses or for nontraffic violations. No portion of the surcharge may be waived, reduced, or suspended. (B)(1) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction, which heard or processed the case and paid to the State Treasurer within thirty days after receipt. The State Treasurer may retain the actual cost associated with the collection of this~~

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~~surecharge not to exceed \$40,000. The State Treasurer shall allocate and transfer quarterly the remaining revenue as follows: 37.75% of these funds quarterly to the circuit solicitors in the manner hereinafter provided, 22.10% to the Department of Juvenile Justice for the Coastal Evaluation Center, for Assault Prevention, and other federal lawsuit related expenses, 15% to the State Law Enforcement Division for its general purposes, 15% to the Department of Corrections for its general purposes, 3.75% to the Attorney General's Office for its general purposes, 3.75% to the Judicial Department for its general purposes, 1.55% to the Department of Natural Resources for statewide police responsibilities, 1% to the Office of Indigent Defense, Division of Appellate Defense for its general purposes, and 0.10% to the Forestry Commission for statewide police responsibilities. The State Treasurer shall transmit the portion of these funds earmarked for the solicitors' offices to the Prosecution Coordination Commission which shall then apportion these funds among the circuit solicitors of this State on a per capita basis equal to the population in that circuit compared to the population of the State as a whole based on the most recent official United States census. The funds shall be used for the operation of the solicitors' offices, and the solicitor may use a portion of these funds to provide for drug courts in their judicial circuits. (2) The funds received by solicitors' offices pursuant to this paragraph in part are to replace the funds received by solicitors in the same year from judicial circuits state support pursuant to Paragraph 46.3 Judicial Circuits State Support. As a result and notwithstanding the provisions of item (1) above, the State Treasurer shall withhold funds received under this paragraph for the benefit of the solicitors and transmit seventy five percent of the aforementioned funds to the Highway Patrol Division (DPS) to be used for equipment, vehicle purchases, and associated vehicle expenditures, to include maintenance and gasoline, for the Highway Patrol and twenty five percent of the aforementioned funds to the Judicial Department until such time as these deposits equal the amounts disbursed or to be disbursed to the solicitors under Paragraph 46.3 Judicial Circuits State Support. Thereafter, any such funds received for the benefit of the solicitors shall be disbursed to them in the manner required in item (1) above. (C) It is the intent of the General Assembly that the amounts generated by this paragraph for use by the solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for these services by the county. (D) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.~~

- 90.3 DELETE** (Court Fee) Increases the Family and Circuit Court filing fee by \$50 and directs that the revenue be allocated as follows: \$3,500,000 to the Judicial Department; \$750,000 to the Commission on Indigent Defense, Defense of Indigents per capita; \$582,000 to the Department of Probation, Parole & Pardon Services; \$225,000 to the Prosecution Coordination Commission; and \$93,000 to the Commission on Indigent Defense, Division of Appellate Defense. Authorizes the specified agencies to retain, expend and carry forward the fee revenues.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Act 353 of 2008 by amending Section 14-1-204 effective 7-1-09.*

90.3. (SR: Court Fee) ~~The Family and Circuit Court filing fee shall be increased by \$50. This new revenue shall be allocated as follows:~~

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~~Judicial Department—\$3,500,000;~~
~~Commission on Indigent Defense, Defense of Indigents per Capita—\$750,000;~~
~~Department of Probation, Parole & Pardon Services—\$582,000;~~
~~Prosecution Coordination Commission—\$225,000; and~~
~~Commission on Indigent Defense, Division of Appellate Defense—\$93,000.~~
~~One hundred percent of the \$50 increase must go to the above mentioned agencies to retain, expend and carry forward.~~

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